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Attorneys for Defendant
IDEXX DISTRIBUTION, INC.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARNELLE MAC DULA, individually and on
behalf of all other similarly situated employees,

Plaintiff,

vs.

IDEXX DISTRIBUTION, INC., a Massachusetts
Corporation; and DOES 1 to 100, inclusive,

Defendants.

Case No. 2:23-cv-01819-MCE-CKD

**JOINT STIPULATION AND ORDER TO
EXTEND TIME FOR DEFENDANT IDEXX
DISTRIBUTION, INC. TO FILE A
RESPONSIVE PLEADING**

Action Filed: July 19, 2023
Trial Date: None Set

1 This stipulation is entered into by and between Plaintiff MARNELLE MAC DULA
2 (“Plaintiff”) and Defendant IDEXX DISTRIBUTION, INC. (Defendant”) (collectively, the
3 “Parties”), by and through their undersigned counsel of record, with reference to the following facts
4 and recitals:

5 WHEREAS, Plaintiff filed her Class Action Complaint in the Superior Court of the State of
6 California, County of Sacramento, assigned Case No. 23CV005044 on July 19, 2023 (the “Action”).

7 WHEREAS, on August 25, 2023, Defendant removed this Action to this Court under the Class
8 Action Fairness Act.

9 WHEREAS, Defendant sent a meet and confer letter to Plaintiff outlining the arguments for
10 its proposed Rule 12 motion to Plaintiff’s Complaint.

11 WHEREAS, Plaintiff has proposed revisions to her Complaint and requested Defendant
12 indicate whether the alleged deficiencies have been cured.

13 WHEREAS, Plaintiff has filed a motion to remand this action to state court and contends that
14 it should be determined whether this Court has subject matter jurisdiction prior to her filing an
15 amended complaint.

16 WHEREAS, the Parties have agreed to extend the time for Plaintiff to file an amended
17 Complaint until fifteen (15) days after the Court has issued its ruling on the Motion to Remand.

18 WHEREAS, the Parties have agreed to extend the time for Defendant to respond to the
19 Complaint until thirty (30) days after the filing of any amended Complaint or forty-five days after the
20 Court issues its ruling on Plaintiff’s Motion to Remand, whichever is sooner.

21 WHEREAS, the Parties have established the agreement as to the timeline for filing of the First
22 Amended Complaint and Defendant’s responsive pleading to provide the Parties with more time to
23 meet and confer in regards to the potential Rule 12 motion, and for Plaintiff’s motion to remand to
24 be decided.

25 WHEREAS, Defendant agrees to meet and confer with Plaintiff regarding the sufficiency of
26 her draft First Amended Complaint within fifteen (15) days of this stipulation being signed.
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1 WHEREAS, the Parties agree that, in entering into this stipulation, Plaintiff will not be
2 considered to be seeking affirmative relief that could be construed as waiving her right to seek remand
3 of this action.

4 WHEREAS, the Parties agree that, in entering into the stipulation, Defendant is not waiving any
5 rights to file a Motion to Dismiss or waiving any defenses.

6 WHEREAS, the Parties agree that, in entering into the stipulation, Defendant is making no
7 representation as to the adequacy of any First Amended Complaint.

8 IT IS THEREFORE STIPULATED AND AGREED, by and between the undersigned counsel
9 as follows:

- 10 1. The Parties agree that Plaintiff shall have until fifteen (15) days after the Court's issuance
11 of a ruling on the Motion to Remand to file a First Amended Complaint.
- 12 2. The Parties agree Defendant shall have until thirty (30) days after Plaintiff files an
13 amended Complaint or forty-five (45) days after the Court has issued its ruling on the
14 Motion to Remand, whichever is sooner, to file a responsive pleading.
- 15 3. The Parties agree that Defendant shall meet and confer with Plaintiff regarding the
16 sufficiency of her draft First Amended Complaint within fifteen (15) days of this
17 stipulation being signed.

18 IT IS SO STIPULATED.

19
20 DATED: October 13, 2023

SHIMODA & RODRIGUEZ LAW, PC

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22
23 By: /s/ Brittany V. Berzin
24 GALEN T. SHIMODA
JUSTIN P. RODRIGUEZ
BRITTANY V. BERZIN

25 Attorneys for Plaintiff
26 MARNELLE MAC DULA
27
28

1 DATED: October 13, 2023

2 OGLETREE, DEAKINS, NASH,
3 SMOAK & STEWART, P.C.

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5 By: /s/ Alexandra Asterlin [as auth. on 10/13/23]
6 ALEXANDRA ASTERLIN
7 KYLE WENDE

8 Attorneys for Defendant
9 IDEXX DISTRIBUTION, INC.
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ORDER

The COURT, having considered the above stipulation and finding good cause, HEREBY
ORDERS that:

1. Plaintiff shall have until fifteen (15) days after the Court's issuance of a ruling on the Motion to Remand to file a First Amended Complaint.
2. Defendant shall have until thirty (30) days after Plaintiff files an amended Complaint or forty-five (45) days after the Court has issued its ruling on the Motion to Remand, whichever is sooner, to file a responsive pleading.
3. Defendant shall meet and confer with Plaintiff regarding the sufficiency of her draft First Amended Complaint within fifteen (15) days of this stipulation being signed.

IT IS SO ORDERED.

Dated: October 19, 2023



MORRISON C. ENGLAND, JR.
SENIOR UNITED STATES DISTRICT JUDGE